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E-Mail: patriciae.koch@bell-atl.com

Patricia E. Koch
Assistant Vice President
Government Relations - FCC

EX PARTE OR LATE FILED

May 30, 1997

EX PARTE

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: CC Docket No. 96-98

Dear Mr. Caton:

Please enter the attached correspondence, which has been filed with the Secretary's Office in CC Docket 96-98, as part of the record for the OSS Forum on Wednesday, May 28.

The attached letters between Bell Atlantic and LCI International, clarify for the record, Bell Atlantic's timely response to LCI's inquiries

Sincerely,

Patricia Koch/gm

Attachment

cc: R. Welch

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EX PARTE

Mr. Richard Welch
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W. - Room 544
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

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Sincerely,

Patricia Koch/ym

Attachment

cc: W. Caton

Paul A. Rich
Counsel
Bell Atlantic Network Services, Inc.
1320 North Courthouse Road, 8th Floor
Arlington, Virginia 22201
Telephone--703-974-3158
Fax--703-974-0775

May 23, 1997

Anne K. Bingaman
Senior Vice President
President Local Telecommunications
Division
LCI International
8180 Greensboro Drive
McLean, Virginia 22102

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MAY 30 1997
Federal Communications Commission
Office of Secretary

Dear Ms. Bingaman:

This will respond to your letter of May 14, 1997 to Jim Young. Bell Atlantic shares LCI's desire to promptly conclude agreements under which LCI may resell Bell Atlantic's retail telecommunications services. However, Bell Atlantic continues to believe that performance reports which it provides to LCI should be subject to the confidentiality provisions proposed by Bell Atlantic.

Bell Atlantic has offered to provide performance reports to LCI so that LCI will be able (1) to determine whether Bell Atlantic is meeting the service quality requirements of its agreements with LCI and (2) if LCI believes Bell Atlantic is not meeting its obligations under the agreements, to enforce LCI's contract rights through appropriate regulatory or judicial proceedings. Bell Atlantic has not offered to provide performance reports for LCI's use for advertising or general public relations purposes.

Contrary to the assertions in your letter, I believe that the confidentiality provisions proposed by Bell Atlantic are permitted by applicable law. In particular, Paragraph 151 of the FCC's order of August 8, 1996, which is cited in your letter, specifically recognizes that a non-disclosure agreement may be "pro-competitive" and that an incumbent LEC's proposal for such an agreement, if the agreement is not overly broad, does "not constitute a violation of the good faith negotiation duty".

The confidentiality provisions proposed by Bell Atlantic are narrowly tailored and allow LCI to make proper use of the performance reports, including to submit them to regulatory agencies and the courts. The proof of the reasonableness of these provisions is

that every other carrier which has elected to receive performance reports from Bell Atlantic has agreed to confidentiality provisions.

Given LCI's expressed desire to conclude the resale agreements as quickly as possible, I would ask that LCI accept the performance report confidentiality provisions proposed by Bell Atlantic. I look forward to continuing to work with LCI's representatives to conclude the agreements.

Very truly yours,

Paul Rich

cc: Susan Lord, Esquire



Anne K. Bingham
Senior Vice President
President, LCCI
Telecommunications Division

May 23, 1997

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MAY 30 1997
Federal Communications Commission
Office of Secretary

VIA FAX

Mr. James R. Young
General Counsel
Bell Atlantic
1310 N. Courthouse Rd.
Arlington, VA 22201

Dear Jim,

Since my first telephone call to you (I left a long voice mail) on Wednesday, May 7, 1997, my three-page letter to you on Wednesday, May 14, 1997, and repeated requests by Susan Lord to Bell Atlantic lawyers for an answer to my May 14th letter, there has been what I can only characterize as deafening silence from you and Bell Atlantic on my serious concern about Bell Atlantic's insistence on stringent confidentiality provisions for OSS performance standards.

As I have told you personally on several occasions since February, 1997, LCI wants to proceed immediately with EDI testing and selling by resale in Bell Atlantic territory. We have had no problem reaching such agreements with BellSouth, NYNEX, and Ameritech; only Bell Atlantic has been held up, over three months of negotiations. I am told by my lawyers that only two issues remain, the confidentiality agreement on OSS standards (which I am told you continue to insist on), and a related issue which arises under our EDI test agreement. Until both are signed, LCI is stymied in its efforts to develop EDI interfaces with Bell Atlantic, or to begin selling by resale in Bell Atlantic territory.

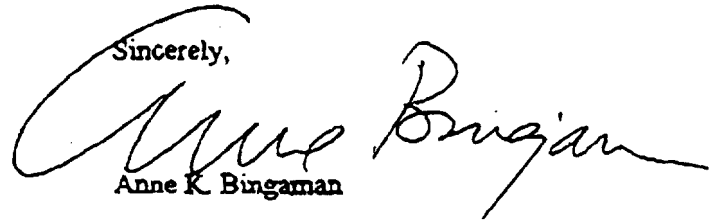
To get this stage of our business relationship behind us, my proposal to you is that we proceed immediately to sign all five state agreements our lawyers have negotiated, with the clauses in these two areas as Bell Atlantic insists upon them, but with the stated understanding that LCI will take such steps as are necessary to have these issues resolved promptly by one or more state commissions or the FCC.

Mr. James R. Young
May 23, 1997
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If this is acceptable to you, I would like to hear from you today if at all possible. Please call me or dictate a short response if this is acceptable. As stated, we will sign the contracts on your terms, with a right by LCI to seek a ruling from one or more governmental agencies to resolve our disagreement on these issues.

Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Bingaman".

Anne K. Bingaman

AKB:slg